

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:

KATHLEEN LEWANDOWSKI

Debtor(s)

Case No. 1:17-bk-29103

Chapter 13

Honorable A. Benjamin Goldgar

NOTICE OF MOTION

To: *See attached service list*

PLEASE TAKE NOTICE that on **March 24, 2019 at 9:30 a.m.**, the undersigned will appear before the Honorable A. Benjamin Goldgar at the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Courtroom 642, Chicago, Illinois and will then and there present **MOTION TO MODIFY PLAN**, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE

I, Joseph Scott Davidson, hereby certify that I caused a copy of this notice and motion to be served, via electronic case filing to Marilyn O. Marshall, Chapter 13 Trustee and via United States First Class Mail to all parties listed on the attached service list, on February 24, 2020 before the hour of 5:00 p.m. from the office located at 2500 South Highland Avenue, Suite 200, Lombard, Illinois 60148.

/s/ Joseph S. Davidson

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Counsel for Kathleen Lewandowski

Label Matrix for local noticing
0752-1
Case 17-29103
Northern District of Illinois
Chicago
Fri Apr 13 11:53:22 CDT 2018

Exeter Finance LLC Department
Ascension Capital Group
P.O. Box 165028
Irving, TX 75016-5028

U.S. Bankruptcy Court
Eastern Division
219 S Dearborn
7th Floor
Chicago, IL 60604-1702

Afni
Attn: Bankruptcy
Po Box 3097
Bloomington, IL 61702-3097

Afni
Po Box 3097
Bloomington, IL 61702-3097

Amita Health Adventist
Medical Center PFS
PO Box 9246
Oak Brook IL 60522-9246

Atg Credit Llc
1700 W. Cortland St.
Ste. 2
Chicago, IL 60622-1131

CCI/Contract Callers Inc
Po Box 3000
Augusta, GA 30914-3000

Department of the Treasury
Internal Revenue Service
Po Box 7346
Philadelphia, PA 19101-7346

Dept Of Ed/582/nelnet
121 S 13th St
Lincoln, NE 68508-1904

Dept Of Ed/582/nelnet
Attn: Claims/Bankruptcy
Po Box 82505
Lincoln, NE 68501-2505

ERC/Enhanced Recovery Corp
Attn: Bankruptcy
8014 Bayberry Rd.
Jacksonville, FL 32256-7412

Exeter Finance Corp
Po Box 166008
Irving, TX 75016-6008

Exeter Finance Corp
Po Box 166097
Irving, TX 75016-6097

Exeter Finance LLC
c/o AIS PORTFOLIO SERVICES LP
4515 N Santa Fe Ave Dept APS
Oklahoma City, OK 73118-7901

Grand Canyon University
3300 W. Camelback Rd.
Phoenix, AZ 85017-1097

HZ CNAC INC
DBA CNAC BERWYN
3227 S. Westnedge Ave.
Kalamazoo, MI 49008-2902

Home Choice
5501 Headquarters Dr.
Plano, TX 75024-5837

(p)ILLINOIS DEPARTMENT OF REVENUE
BANKRUPTCY DEPARTMENT
P O BOX 64338
CHICAGO IL 60664-0338

Merchants Credit
223 W. Jackson Blvd.
Ste. 700
Chicago, IL 60606-6914

PNC Bank, NA
Attn: Bankruptcy Dept.
Po Box 489909
Charlotte, NC 28269

Sterling Uni
Po Box 300639
Fern Park, FL 32730-0639

US Department of Education c/o Nelnet
121 South 13th Street, Suite 201
Lincoln, NE 68508-1911

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180 N. LaSalle St.
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224 South Michigan Ste 800
Chicago, IL 60604-2503

Patrick S Layng
Office of the U.S. Trustee, Region 11
219 S Dearborn St
Room 873
Chicago, IL 60604-2027

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Illinois Department of Revenue
Bankruptcy Unit
Po Box 19035
Springfield, IL 62794-9035

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Dept Of Ed/582/nelnet	(d)Exeter Finance LLC Department	End of Label Matrix	
121 S. 13th St.	Ascension Capital Group	Mailable recipients	27
Lincoln, NE 68508-1904	P.O. Box 165028	Bypassed recipients	2
	Irving, TX 75016-5028	Total	29

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:

KATHLEEN LEWANDOWSKI

Debtor(s)

Case No. 1:17-bk-29103

Chapter 13

Honorable A. Benjamin Goldgar

DEBTOR'S MOTION TO MODIFY PLAN

NOW COMES, KATHLEEN LEWANDOWSKI (the "Debtor"), through undersigned counsel, pursuant to 11 U.S.C. §1329 moves this Court to Modify Chapter 13 Plan, and in support thereof, states as follows:

1. On September 28, 2017, Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code [Doc. #1].
2. On December 19, 2017, an Order Confirming Plan was entered [Doc. #39].
3. Debtor's confirmed plan provides:

Section D. Payments by debtor to the trustee; plan term and completion

1. Initial plan term. The debtor will pay to the trustee **\$1,421.00** monthly for **60** months for total payments, during the initial plan term, of **\$85,260.00**.

Section E. Disbursements by the trustee

8. General unsecured claims (GUCs). All allowed nonpriority unsecured claims, not specially classified, including unsecured deficiency claims under 11 U.S.C. § 506(a), shall be paid, pro rata, ■ in full.

4. On May 22, 2018, Debtor's confirmed plan was modified to (1) defer Debtor's \$5,684.00 default; and (2) increase payments to \$1,527.00 for the remaining plan term [Doc. 34].

5. On April 30, 2019, Debtor's confirmed plan was modified to (1) defer Debtor's \$6,108.00 default; and (2) increase payments to \$1,673.00 for the remaining plan term [Doc. 61].

6. Once more, Debtor fell behind.

7. On January 31, 2020, the Chapter 13 Trustee filed a Motion to Dismiss Case for Failure to Make Plan Payments [Doc. 62].

8. Thereafter, Counsel for Debtor learned that (1) on February 21, 2018, Debtor's 2012 Ford Focus was involved in an accident and was determined to be "totaled," and (2) on March 6, 2018, State Farm Mutual Automobile Insurance Company paid \$5,652.91 to Exeter Finance LLC ("Exeter").

9. Exeter did not withdraw Claim 5-1.

10. Instead, Exeter unjustly received \$2,469.38 in payments.

11. On February 14, 2020, Debtor filed an Objection to Claim 5-1, seeking to "clawback" \$2,469.38 from Exeter.

12. Here, Debtor proposes deferring Debtor's \$5,592.00 default, and paying \$1,386.00 monthly for the remaining plan term – beginning with Debtor's March 2020 payment

13. Modifying Debtor's plan won't prejudice Debtor's general unsecured creditors, as they will continue to be paid in full (as provided by Debtor's confirmed plan).

WHEREFORE, Debtor respectfully requests the Court enter an Order Modifying Debtor's Chapter 13 Plan to defer the \$5,592.00 default; and set Debtor's payments at \$1,386.00 for the remaining plan term; and grant any other relief deemed appropriate and equitable.

Dated: February 24, 2020

Respectfully submitted,

KATHLEEN LEWANDOWSKI

By: /s/ Joseph S. Davidson

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